

Remarks

Reconsideration of the pending claims is respectfully requested.

Claims 1-6, 8-10, 17-25, 28-37, 42-47, 50-60, 62-66, 70-71, 74-75, 77-79 and 139-156 are pending.

Claims 8, 21, 25, 29, 47, 74, 75, 78, 79 and 145 have been withdrawn by the Examiner.

Claims 1-6, 9, 10, 16-20, 22-24, 27, 28, 30-37, 42-45, 50-60, 62-66, 70, 71, 77, 139-144 and 146-156 stand as being rejected.

Rejection of Claims under 35 U.S.C. § 103(a) (Pregozen)

The Examiner maintained the rejection of the claims under Section 103(a) as obvious over Pregozen (USP 5,141,830). This rejection is respectfully traversed.

The Examiner stated as follows (emphasis added):

Continuation of 11. does NOT place the application in condition for allowance *because: the argument presented by Applicant is based entirely on the difference in the pH* between the amended claims as currently proposed and the reference to Pregozen applied by the Examiner as the sole reference to the independent claims. As such, Applicants argument is entirely based on the proposed amendment that has not been entered. The issue of pH was previously addressed by the Examiner, since Applicant claims the range of "about 5..." therefore such range allows some tolerance on the lower side, and as such the difference between the pH of Pregozen's composition and the claimed pH presents a minute difference and the composition of Pregozen is reasonably expected to posses the properties similar to those as instantly claimed.

The claims as pending are distinguished from Pregozen as consisting essentially of a cleaning agent, an antimicrobial agent selected from the group consisting of benzoic acid, sorbic acid and salts thereof, a solvent, and a buffering agent in an amount effective to provide a pH of about 5-6.5. (See, for example, Claim 1.)

Unlike Applicant's compositions, Pregozen's compositions further include a cationic biocide –namely, two specific biguanides – polyhexamethylene biguanide hydrochloride and poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride], which are not optional components.

In addition, Pregozen does not teach or suggest the inclusion of an additional pH buffering agent (such as ammonium hydroxide and tetraalkylammonium hydroxide) to adjust the pH of the mixture of about 5-6.5.

Applicant's compositions as claimed:

- *Are limited to* an antimicrobial agent selected from benzoic acid, sorbic acid and salts thereof,
- *Lack* a cationic biocide, and
- *Include* a pH buffering agent to provide a pH of about 5-6.5.

At least these features distinguish Applicant's composition from that taught by Pregozen.

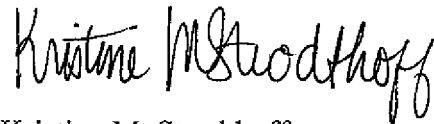
Pregozen does not teach or suggest Applicant's compositions as claimed.

Reconsideration of the claims as previously amended and withdrawal of this rejection is respectfully requested.

Extension of Term. The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. If any extension is required and/or any fee is due, please consider this a petition therefor and charge the required fee to Account No. 23-2053.

It is respectfully submitted that the claims are in condition for allowance and notification to that effect is earnestly solicited.

Respectfully submitted,



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